

BEFORE THE TENNESSEE BOARD OF NURSING

IN THE MATTER OF:)

STEPHANIE SANDY, L.P.N.)

RESPONDENT)

TENNESSEE LICENSE NO. 67464)

Docket No. 17.19-10876A

SECRETARY OF STATE

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ORDER OF SUMMARY SUSPENSION

This cause came on to be heard on the 4th day of August, 2010, at a public meeting, before a duly authorized panel of the Tennessee Board of Nursing, upon the application of the State for a summary suspension of Respondent's license pursuant to T.C.A. Section 4-5-320(c).

JURISDICTION

The Tennessee Board of Nursing ("Board") is responsible for the regulation and supervision of the practice of nursing, including practical nurses, in the State of Tennessee. T.C.A. Section 63-7-101, *et seq.* The Board has the duty and power to suspend or revoke or otherwise discipline a licensee who has violated the provisions of Title 63, Chapter 7. T.C.A. Section 63-7-115(A)(1). Under T.C.A. Section 4-5-320(c), the Board has the authority to summarily suspend a Respondent's license if it finds that the public health, safety, or welfare imperatively requires emergency action.

FACTS

1. The Respondent has been at all times pertinent hereto licensed by the Board as a practical nurse in the State of Tennessee, having been granted license number 67464 on May 16, 2005, with an expiration date of October 31, 2010.
2. Since January 2010, Respondent has taken prescribed narcotics in amounts that make her unsafe to practice nursing.
3. In December 2009, Respondent worked as a home health care nurse.
4. Respondent contacted TNPAP in December 2009, but failed to cooperate with TNPAP. Respondent's TNPAP file is now open with a recommendation that Respondent seek an evaluation from an addictionologist.
5. On or around February 12, 2010, Respondent pled guilty to simple possession of a Schedule II drug (felony) in the Criminal Court of Macon County, Tennessee. Respondent failed to notify the Board of Nursing of this conviction.
6. On or around January 24, 2008, Respondent entered into a best interest plea for obtaining controlled substances by fraud in the Criminal Court of Sumner County, Tennessee. Respondent received diversion and was sentenced to three years of community correction.
7. On or around April 12, 2006, Respondent pled guilty to failure to appear in court (misdemeanor) in the General Sessions Court of Macon County, Tennessee. Respondent failed to notify the Board of Nursing of this conviction.
8. In October 2006, Respondent was employed as a practical nurse at Quality Care Home Health.

9. On or around October 30, 2006, Respondent arrived late to her shift at patient B.K.'s home. While Respondent was present at patient B.K.'s home, Respondent fell asleep on patient B.K.'s couch, in patient B.K.'s kitchen, and on top of patient B.K. when assessing her skin. In addition, Respondent fell asleep on patient B.K.'s front porch.

10. The nursing assistant present at patient B.K.'s home notified the police department of Respondent's impairment. The police found several legend drugs in Respondent's possession and arrested her for drug possession. This incident resulted in Respondent's termination from Quality Care Home Health.

SUSPENSION

In consideration of the evidence presented and pursuant to the authority granted under T.C.A. Sections 4-5-320(c) and 63-7-115 *et seq.* and 63-7-123 *et seq.*, and Rules of the Board of Nursing, Chapters (See Nursing Rules 1000-2-.13, *et seq.*, with emphasis on: 1000-2-.13(1)(f) The use of any narcotic drug while on duty in any health care facility, school, institution, or other work place location; 1000-2-.13(1)(g) Being under the influence of drugs, which impair judgment while on duty in any health care facility, school, institution, or other work place location; 1000-2-.13(1)(u) Practicing professional nursing in a manner inconsistent with T.C.A. § 63-7-103; and T.C.A. § 63-7-115(a)(1)(B) Is guilty of a crime; (C) Is unfit or incompetent by reason of negligence, habits or other cause; (D) Is addicted to alcohol or drugs to the degree of interfering with nursing duties; and, (F) Is guilty of unprofessional conduct).

The Board hereby preliminarily finds: (1) Respondent's pattern of prescription drug use is in excess of an amount that would allow her to practice nursing safely, as well as her prior documented impairment in her work environment, including work with a fragile

patient population such as home health patients where Respondent is not monitored in her nursing practice, are violations of the Nurse Practice Act and require emergency action by the Board; and (2) Respondent's past underlying criminal activity, her past behavior of pleading guilty to crimes, and her failure to report such criminal incidents to the Board of Nursing are violations of the Nurse Practice Act, reflect a pattern of poor judgment, and require emergency action by the Board.

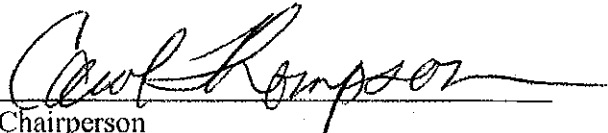
Therefore, the Board finds that emergency action is required in order to protect the public health, safety and welfare prior to the initiation of formal disciplinary charges against Respondent.

It is therefore **ORDERED** that:

1. Respondent's Tennessee license to engage in the practice of nursing, L.P.N. License Number 67464, including her multi-state privilege, is hereby **SUMMARILY SUSPENDED**;
2. Upon issue of this Order, Respondent shall cease and desist from practicing nursing in the state of Tennessee;
3. Respondent shall not practice any health related profession nor in any health related field unless permission is sought from and granted by the Board;
4. This suspension shall be effective immediately and shall remain in effect until otherwise ordered by the Tennessee Board of Nursing;
5. Pursuant to T.C.A. Section 4-5-320(d)(1), Respondent may present her version of the situation to the Board at an informal conference on August 12, 2010, at 1:00 p.m. in the Poplar Room, 227 French Landing Drive, Nashville, Tennessee; and,

6. The sole issue at the informal conference mentioned above shall be whether the public health, safety or welfare imperatively required emergency action by the Board.

SO ORDERED, this 4th day of August, 2010.


Chairperson
Tennessee Board of Nursing

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the ____ day of _____, 2010.

Thomas G. Stovall, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, through Respondent's attorney,

Robbie H. Bell Law Office
307 North 16th Street, Suite A
Nashville, TN 37206
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RobbieHBell@gmail.com

By hand delivery, on this 4th day of August, 2010.

A handwritten signature in cursive script that reads "S. Alexa Whittlemore". The signature is written in dark ink and is positioned above the printed name and title.

S. Alexa Whittlemore
Deputy General Counsel
Office of General Counsel
Tennessee Department of Health